

ORDINANCE No. 136

AN ORDINANCE

ADOPTING, APPROVING AND AUTHORIZING THE ENTRY OF EAST COVENTRY TOWNSHIP INTO THE POTTSTOWN METROPOLITAN REGION INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR REGIONAL PLANNING DATED OCTOBER, 2005, PREPARED BY THE POTTSTOWN METROPOLITAN REGIONAL PLANNING COMMISSION; AND REPEALING PART 1A, ENTITLED "POTTSTOWN AREA REGIONAL PLANNING COMMISSION," OF CHAPTER 1 OF THE TOWNSHIP OF EAST COVENTRY CODE OF ORDINANCES.

WHEREAS, East Coventry Township, with the municipalities of Douglass Township, Lower Pottsgrove Township, New Hanover Township, North Coventry Township, Upper Pottsgrove Township, West Pottsgrove Township, and the Borough of Pottstown, collectively known as the "Pottstown Metropolitan Region," have joined together for the purpose of mutual cooperation through regional planning; and

WHEREAS, recognizing that current growth and anticipated growth, if not properly managed, will inevitably lead to a lessening in the quality of life in the Pottstown Metropolitan Region, the municipalities of the Region, after careful consideration and pursuant to the guidelines set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, created the Pottstown Metropolitan Regional Planning Commission in April, 2001, to prepare a regional comprehensive plan, conforming to the requirements of the Pennsylvania Municipalities Planning Code for regional comprehensive plans, that would serve as a guide for future growth and development in the Region; and

WHEREAS, the Pottstown Metropolitan Regional Planning Commission proceeded with the preparation of such regional comprehensive plan with the result being the Pottstown Metropolitan Regional Comprehensive Plan dated August, 2005; and

WHEREAS, on October 26, 2005, the members of the Regional Planning Commission, by resolution, unanimously endorsed the said Regional Comprehensive Plan, and strongly recommended its adoption by the municipalities of the Pottstown Metropolitan Region; and

WHEREAS, the Board of Supervisors of East Coventry Township has, by resolution, adopted the said Regional Comprehensive Plan, and the governing bodies of the other municipalities of the Pottstown Metropolitan Region have adopted or are in the process of adopting, by resolution, said Regional Comprehensive Plan; and

WHEREAS, East Coventry Township, together with other municipalities of the Pottstown Metropolitan Region, intend to implement the stated goals, objectives, and recommendations of the said Regional Comprehensive Plan through a document known as the "Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement for Regional Planning" and dated October, 2005 (the "ICIA"), a copy of which is attached to, marked Exhibit "A," and made fully part of this Ordinance; and

WHEREAS, the ICIA was written by the Pottstown Metropolitan Regional Planning Commission to conform to the standards specified for such documents as found in Article XI of the Pennsylvania Municipalities Planning Code, and Chapter 23, Subchapter A (relating to intergovernmental cooperation), of the General Local Government Code, 53 Pa.C.S. §2301 *et seq.*; and

WHEREAS, the members of the Pottstown Metropolitan Regional Planning Commission, by resolution, unanimously endorsed the ICIA and strongly recommended that it be adopted by the municipalities of the Pottstown Metropolitan Region; and

WHEREAS, the Board of Supervisors of East Coventry Township, together with the governing bodies of the other municipalities of the Pottstown Metropolitan Region, has reviewed ICIA and has found it to constitute a suitable and rational approach for the implementation of the said Regional Comprehensive Plan; and

WHEREAS, the ICIA provides for, among other things, a joint municipal planning committee known as the “Pottstown Metropolitan Regional Planning Committee” on which each municipality of the Pottstown Metropolitan Region will have representatives; and

WHEREAS, ICIA document has been the subject of one or more public hearings by the Board of Supervisors of East Coventry Township; and

WHEREAS, the participation of East Coventry Township in the Pottstown Metropolitan Regional Planning Commission is provided for in and by Part 1A of Chapter 1 of the Code of Ordinances of East Coventry Township; and

WHEREAS, the task of the Pottstown Metropolitan Regional Planning Commission, to prepare a regional comprehensive for the Pottstown Metropolitan Region, having been completed as aforesaid, it is appropriate to repeal said Part 1A of the Chapter 1 of the Code of Ordinances of East Coventry Township.

NOW, THEREFORE, the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, hereby **ENACTS AND ORDAINS** as follows:

SECTION 1. The agreement, entitled “Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement for Regional Planning” and dated of October, 2005, prepared by the Pottstown Metropolitan Regional Planning Commission, a copy of which agreement is attached to, marked Exhibit “A,” and made fully part of this Ordinance, and which agreement is referred to in the preambles to this Ordinance and hereinafter as the “ICIA,” is hereby adopted and approved.

SECTION 2. The Board of Supervisors of East Coventry Township, the governing body of the Township, hereby agrees with the governing bodies of the other municipalities of the Pottstown Metropolitan Region, that it shall adhere to and be guided by, subject to the terms and conditions of the ICIA, the standards set forth in the ICIA on matters pertaining to land use planning, zoning, and the operation of the Pottstown Metropolitan Regional Planning Committee.

SECTION 3. The conditions of the ICIA, the duration of the term of ICIA, the purposes and objectives of the ICIA (including the powers and scope of authority delegated in the ICIA), the manner and extent of financing the ICIA, the organizational structure necessary to implement the

ICIA, and the manner in which real or personal property, if any, shall be acquired, managed, licensed, or disposed of, are specified in and otherwise provided for in the copy of the ICIA attached hereto as Exhibit "A" and made fully part hereof.

SECTION 4. Pursuant to Section 2315 of the General Local Government Code, 53 Pa.C.S. §2315, the ICIA shall be deemed in force as to East Coventry Township, as well as to the other municipalities of the Pottstown Metropolitan Region, when all municipalities of the said Region have duly adopted the ICIA by ordinance.

SECTION 5. The Chairman of the Board of Supervisors and the Secretary of East Coventry Township be and are hereby authorized to and directed, for and on behalf of the Township, to execute, attest, affix the seal of the Township to, and deliver the ICIA. Said Chairman and Secretary, and/or other appropriate and proper officers or officials of the Township, be and are hereby further authorized and directed to take, or cause to be taken, all such other actions as may be required, permitted, or desirable to effect and otherwise perfect the purposes, objectives and intent of the ICIA and this Ordinance.

SECTION 6. Part 1A, entitled "Pottstown Area Regional Planning Commission," of Chapter 1 of the Code of Ordinances of East Coventry Township, as added to said Code by Ordinance No. 108 and as amended by Ordinance No. 109, be and is hereby repealed in its entirety.

SECTION 7. The provisions of this Ordinance and the ICIA adopted and approved hereby are severable. If any provision of this Ordinance or the ICIA, or the application thereof to any person or circumstance, is held invalid or unenforceable, the remainder of this Ordinance or the ICIA, or the application of such provision to other persons or circumstances, shall not be affected thereby. It is the intent of the Board of Supervisors that this Ordinance would have been enacted and the ICIA would have adopted and approved had such invalid or unenforceable provision or application not been included or provided herein.

SECTION 8. This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED and **ORDAINED** this day of December, A.D. 2005.

BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP
Chester County, Pennsylvania

Robert F. Preston, Chairman

W. Atlee Rinehart, Vice-Chairman

David K. Leinbach, Member

John Doering, Member

ATTEST:

David K. Leinbach, Secretary

Timothy J. Roland, Member